

chaser since it contained a smaller percentage of protein and a larger percentage of crude fiber than so represented.

On June 11, 1938, a plea of guilty having been entered, the defendant was sentenced to pay a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29130. Adulteration and misbranding of vanilla extract. U. S. v. 3 Bottles of Vanilla. Default decree of condemnation and destruction. (F. & D. No. 42324. Sample No. 17444-D.)

This product was represented to be pure vanilla but was in fact an artificially colored solution containing added vanillin and little or no true vanilla extractives.

On May 13, 1938, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three bottles of vanilla extract at Alderson, W. Va.; alleging that the article had been shipped in interstate commerce on or about December 23, 1937, from New York, N. Y., by R. C. Williams & Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Vanilla No. 1 Grade R. C. Williams & Co., Inc. Distributor New York, N. Y."

It was alleged to be adulterated in that an artificially colored and flavored imitation of pure vanilla had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength and had been substituted in whole or in part for pure vanilla, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the name "Pure Vanilla" was false and misleading and tended to deceive and mislead the purchaser; and in that it was an imitation of and was offered for sale under the distinctive name of another article, pure vanilla.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29131. Misbranding of canned apricots. U. S. v. 63 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. & D. No. 41887. Sample No. 14896-D.)

This product was not normally colored, and the units were blemished, were not uniform, and were not in unbroken halves. It was misbranded because it was not labeled to indicate that it was substandard and because its label bore the design of uniform apricot halves.

On March 5, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of canned apricots at Butte, Mont.; alleging that the article had been shipped in interstate commerce on or about October 11, 1937, from Sonoma, Calif., by Forest J. Maynard; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Garden Brand Water Pack Apricots * * * Packed For International Brokerage Co., Seattle—Minneapolis."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it consisted of fruit that was not normally colored, the units of which were not normal or of uniform size, the fruit being blemished and not in unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard. It was alleged to be misbranded further in that its label bore a design of apricot halves, which design was false and misleading when applied to an article of canned food that was substandard.

On June 16, 1938, Forest J. Maynard Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29132. Adulteration of maple sirup. U. S. v. 76 Drums of Maple Sirup (and four similar seizure actions). Decrees releasing product under bond for deleading. (F. & D. Nos. 42306, 42307, 42407, 42408, 42409. Sample Nos. 12396-D, 12400-D, 12622-D, 22722-D, 22724-D.)

This product contained lead.

On May 17, 18, and 19, 1938, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the dis-